

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-02 CIAE-00 INR-07

NSAE-00 RSC-01 SY-04 H-01 PRS-01 /031 W

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R 100915Z JAN 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9744

C O N F I D E N T I A L MANILA 0459

E.O. 11652: GDS

TAGS: CASC, RP (LEHMAN, AUGUST MCCORMICK)

SUBJECT: W/W: AUGUST MCCORMICK LEHMAN

REF: STATE 282733; STATE 278355; MANILA 14860

1. EMBOFF VISITED SUBJECT AT FORT BONAFACIO ON 1/9/75
ACCOMPANIED BY ATTORNEY ALBERTO R. DE JOYA, FORMER UNDER-
SECRETARY OF DEFENSE AND COMMISSIONER OF CUSTOMS UNDER
PHILIPPINE PRESIDENT MACAPAGAL. UNLIKE PREVIOUS VISITS
NO PHILIPPINE ARMY OFFICER WAS PRESENT.

2. PURPOSE OF MEETING WAS TO DISCUSS POSSIBILITY OF RETAINING
DE JOYA TO REPRESENT LEHMAN SHOULD HIS CASE BE BROUGHT TO
TRIAL.

3. IN EXPLAINING HIS ROLE IN PLOT TO ASSASSINATE PRESIDENT
MARCOS, LEHMAN TOLD DE JOYA THAT HE CAME TO PHILIPPINES ON
JUNE 20, 1972 TO ASSIST LARRY TRACTMAN IN A SCHEME TO EXTRACT
MONEY FROM FORMER SENATOR SERGIO OSMENA JR. HE SAID THAT AT NO
TIME WAS THERE ANY INTENTION ON HIS PART OF KILLING PRESIDENT
MARCOS, BUT THAT HIS JOB WAS TO PASS AS A FIREARMS EXPERT,
AN AREA IN WHICH HE CLAIMS TO HAVE NO EXPERTISE. FOLLOWING
HIS ARRIVAL IN PHILIPPINES HE CLAIMED TO HAVE WORKED ON
SEVERAL WEAPONS WHICH WERE GIVEN TO HIM, DAMAGING THEM
SO THEY WOULD BECOME UNUSABLE. ALTHOUGH HE ADMITTED FASHIONING
A SILENCER FOR A RIFLE AND BEING FLOWN TO OSMENA'S RANCH
IN CEBU TO TEST IT, HE INFORMED DE JOYA THAT IT WAS INEFFECTIVE.

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IN LEHMAN'S DISCUSSION OF HIS RELATIONSHIP WITH LARRY TRACTMAN

HE EXPRESSED HIS OPINION THAT TRACTMAN WAS ALSO BEING PAID BY PRESIDENT MARCOS TO ARRANGE FOR OSMENA'S ALLEGED ASSASSINATION PLANS TO FAIL.

4. IN REVIEWING CHARGES AGAINST HIM WITH DE JOYA, LEHMAN POINTED OUT THAT THEY MOSTLY ENCOMPASSED ACTS NOT INVOLVING HIM AND WHICH OCCURRED BEFORE HIS ARRIVAL IN PHILIPPINES.

5. AFTER LISTENING TO LEHMAN'S STORY, DE JOYA, WHO HAD OFFERED NO SUGGESTIONS AS TO HOW HE WOULD MOVE TO HAVE LEHMAN BROUGHT TO TRIAL OR WHO HE WOULD APPROACH, WAS ASKED WHETHER HE WOULD BE WILLING ACCEPT CASE. DE JOYA TOLD LEHMAN THAT IT WOULD TAKE SOME TIME TO ARRANGE A DEFENSE AND THAT CASE WOULD BE DIFFICULT AND FRUSTRATING. HE THEN TOLD LEHMAN THAT HE WOULD TAKE CASE ON CONDITION THAT IF LEHMAN WAS RELEASED HE WOULD BE PAID 75,000 PESOS (APPROXIMATELY \$10,714).

6. LEHMAN, WHO HAD ARRANGED TO SPEAK WITH DE JOYA THROUGH A PRISON CONTACT, HAD BEEN TOLD THAT, IF HE COULD MEET DE JOYA'S ACTUAL EXPENSES, PAYMENT OF A NOMINAL LEGAL FEE COULD BE DEFERRED UNTIL HE COULD FIND EMPLOYMENT TO PAY. HE WAS EXTREMELY UPSET TO HEAR WHAT DE JOYA EXPECTED TO BE PAID AND DECIDED THEN AND THERE NOT TO RETAIN HIM.

7. FOLLOWING DE JOYA'S DEPARTURE FROM MEETING, LEHMAN EXPRESSED HIS SUSPICION TO EMBOFF THAT DE JOYA HAD BEEN SENT BY OSMENA OR MARCOS FOLLOWERS TO GATHER ADDITIONAL INFORMATION.

8. EMBOFF GAVE LEHMAN LETTER FROM HIS PARENTS AND RECEIVED A LETTER FOR MAILING TO PARENTS.

9. IN EVENT CASE WILL BE HEARD IN CIVILIAN COURT, LEHMAN WILL ARRANGE FOR PRIVATE LEGAL DEFENSE: IN MILITARY TRIBUNAL HE WILL ELECT COURT-APPOINTED ATTORNEY.

10. SO FAR AS EMBASSY KNOWS, CHARGES AGAINST LEHMAN HAVE NOT BEEN "FORMALLY AND OPENLY" BROUGHT AGAINST HIM AND WE CANNOT SAY FOR CERTAIN HOW REVISED CHARGE SHEET WILL BE USED. WE HAVE ASKED FOR GOP COMMENT AND WERE ADVISED WE MIGHT HAVE ANSWER BEGINNING NEXT WEEK.
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11. WE HAVE NO FURTHER INDICATION OF TIMING OF TRIAL AGAINST LOPEZ/OSMENA/LEHMAN, NOR NATURE OF SUCH TRIAL. SO FAR AS WE KNOW, CHARGES HAVE ALSO NOT BEEN FILED IN CIVIL COURT AGAINST OSMENA/LOPEZ.

12. EMBASSY IS POUCHING GENERAL ORDER REFERRED TO IN MANILA 12013 BUT HAS NOT YET OBTAINED DND ORDER. WHILE

WE WILL ATTEMPT TO SUBMIT PERTINENT DOCUMENTS, DEPARTMENT
SHOULD BE AWARE CASE IS PROCEEDING IN VERY AD HOC FASHION
AND IT IS DIFFICULT TO PREDICT PROCEDURES GOP WILL FOLLOW
IN HANDLING SO SENSITIVE AN ISSUE.

13. DOES STATE 001312 CONSTITUTE REPLY TO MRS. OSMENA'S
QUESTION RAISED MANILA 15181 CONCERNING SENATE AMENDMENT
2003 ON POLITICAL PRISONERS?
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 10 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MANILA00459
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750010-0528
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750162/aaaaccmu.tel
Line Count: 124
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 282733, 75 STATE 278355, 75 MANILA 14860
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 22 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 JUL 2003 by ShawDG>; APPROVED <23 JUL 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: W/W: AUGUST MCCORMICK LEHMAN
TAGS: CASC, RP, (LEHMAN, AUGUST MCCORMICK)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006